

# John Paff

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February 20, 2007

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Hon. James Anzaldi, Mayor  
City of Clifton  
900 Clifton Avenue  
Clifton, NJ 07013

*(via fax only to 973-470-5264)*

Dear Mayor Anzaldi and Members of the City Council:

I write both personally and in my capacity as the New Jersey Libertarian Party's "Open Government Advocate."<sup>1</sup> You may recall that I wrote to you on July 17, 2006 to suggest that the City Council describe the topics it discussed in nonpublic (closed or executive) session in greater detail. You also may recall that by letter of August 3, 2006 your attorney, Mr. Priore, informed me that the Council agreed with my suggestion.

I have since reviewed the resolutions authorizing and the minutes of the Council's September 5, September 19, October 3 and October 17, 2006 nonpublic meetings. I am pleased to report that the resolutions more completely identify the topics privately discussed.

I am, however, troubled that the closed session minutes are sometimes obscure and believe that they may not meet the "reasonably comprehensible" standard set by N.J.S.A. 10:4-14 of the Open Public Meetings Act.

While reasonably comprehensible "does not mean word for word recitation of every event or a verbatim detailing of every public comment or objection," N.J.S.A. 10:4-14 does require that "minutes adequately reflect what transpired at the meeting [so that] a citizen . . . who reviewed the minutes along with [other public records] would fully understand what had occurred." Liebeskind v. Mayor and Council of Bayonne, 265 N.J. Super. 389, 400-02 (App. Div. 1993).

Enclosed is a copy of the minutes of the Council's October 3, 2006 nonpublic meeting. The minutes contain the following at the bottom of page 1:

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<sup>1</sup> The New Jersey Libertarian Party (NJLP) is a longtime advocate of open and transparent government. The NJLP's platform, which can be found at [www.njlp.org](http://www.njlp.org), states: "We support the public policy behind the Open Public Meetings Act (NJSA 10:4-6) and the Right to Know Law (NJSA 47:1A-1). We note, however, that in actual practice, some individuals in government are reluctant to comply with these laws. We believe that those individuals should be held personally liable for attorney's fees and costs incurred in enforcing the law."

CM4: PBA#36 – OUTSIDE WORK DETAIL

ACTION: DISCUSSION, COVERED. (MP) DISCUSSED KEEPS HAPPENING.

Apparently, the Council discussed police officers performing “outside work details” and how that related to the City’s contract with the PBA. But other information, such as what was “covered” and what “keeps happening” is omitted.

The fact that matters privately discussed by the Council may be confidential does not relieve the Council from keeping reasonably comprehensible minutes of its private meetings. If details recorded in closed session minutes would, if publicly released, undermine some vital governmental interest or violate a privacy concern, those details can be redacted so that those interests and concerns are protected

I look forward to receiving written communication informing me of the Council’s position on this matter.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "John Paff", with a stylized, cursive script.

John Paff

cc: Matthew T. Priore, Esq., City Attorney (*via fax only to 973-470-5254*)

**CONFIDENTIAL**

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Closed Session Minutes  
Conference Meeting  
Tuesday, October 3, 2006

The Closed Session Conference Meeting of the Municipal Council of the City of Clifton was held in Conference Room 101 of Clifton City Hall, 900 Clifton Avenue, Clifton, N J pursuant to the adoption of the resolution authorizing a closed session.

10:45 P.M. CALL OF ROLL

Mayor Anzaldi called the meeting to order and presided

Upon roll call the following were noted present:

Councilman Cupoli	(JC)
Councilman Eagler	(PE)
Councilman Fusco	(FF)
Councilman Hatala	(SH)
Councilwoman Kolodziej	(GK)
Councilman Latona	(AL)
Mayor Anzaldi	(JA)

ACTION ITEMS

A70,A71,A72      Workers' Compensation Claims

ACTION:      (SH) DISCUSSION CAN WORKERS PERFORM THEIR DUTIES, HAVE CONCERNS FOR THEIR SAFETY. (MP) DISCUSSION ON CASES. EXAMINER REPORTS, CLEARANCE, DISCUSSED, TRUCK DRIVERS

A73      Cablevision - Application for Consent

ACTION:      (DB) DISCUSSED HEARING/DECISION. (JA) DISCUSSED NEGOTIATION SENIOR DISCOUNTS, MAYBE EXTEND CONTRACT, PENDING VERIZON, ASKING FOR ITEMS

CM4      PBA #36 - OUTSIDE WORK DETAIL

ACTION:      DISCUSSION, COVERED. (MP) DISCUSSED KEEPS HAPPENING.

OCT 03 2006

10:59 P.M. Councilman Latona left meeting

I-5 CSA Contract Negotiations

ACTION: (MP) DISCUSSION (SH) DISCUSSION LIST WANTS, COMMITTEE FOR LABOR NEGOTIATIONS FORMED -FF,JC,SH REPORT COPY OF CONTRACT

I-4 FMBA Contract Negotiations

ACTION: (MP) DISCUSSED MEDICARE ISSUE.

A82 FMBA Personnel Matter

ACTION: (MP) DISCUSSED COUNCILMAN LATONA WITHDRAWING HIS LEAVE-OF-ABSENCE STATUS. DISCUSSED EMPLOYEE/LITIGATION MATTER. (JA) DISCUSSED NOT TALKING ABOUT/EXPOSURES. (MP) DISCUSSED "SUMMARY JUDGEMENT" FILED, PROCEDURE ON FILING PROCESS, MOTION FOR 11/17/06,

11:45 P.M. The meeting was opened to the public.

Respectfully submitted,

Richard C. Moran  
City Clerk

CS10-3-06